

Summary of State Wrongful Death and Intestacy Statutes

State	Wrongful Death	Intestacy	
	Economic Portion of the Presumed Award	Priority Under Intestate Laws	When there are Children of Different Generations (ie. grandchildren)
Pennsylvania	<p>The spouse, children, or parents of the deceased may recover in proportion to what they would take under the intestate laws. If there is no spouse, children, or parents, the personal representative can only collect damages on behalf of the deceased (hospital, nursing, medical, funeral expenses, and expenses of administration necessitated by injuries causing death).</p> <p>See 42 Pa. Stat § 8301(b) (2002).</p>	<ol style="list-style-type: none"> 1. Spouse and no children or parents – everything to spouse. 2. Spouse and parent (no children) -- everything to spouse. * 3. Spouse and children -- spouse takes 1/2 the estate. If the children are also the spouse's, the spouse also takes \$30,000. If they are not, spouse only takes 1/2. Children divide the remainder equally as long as they are in the same generation. 4. Children and no spouse -- the children take all. Shares are divided equally among the children in the same generation. 5. Parents, no children or spouse -- parents share equally. 6. No spouse, children, or parents --brothers, sisters, or their children take all. Shares are divided equally as long as those eligible are in the same generation. <p>See 20 Pa. Con. Stat .Ann. §§ 2101, et. seq. (2002).</p>	<p>The estate is divided into as many shares as there are living members of the nearest generation of children to the victim, including deceased children in the same generation who left behind children. Each surviving heir in the nearest generation to the victim receives one share and the share of each deceased person in the same generation is divided among his or her descendants in the same manner.</p> <p>See 20 Pa. Con. Stat .Ann. §§ 2101, et. seq. (2002).</p>

* Pennsylvania intestate statute was newly amended on October 3, 2003. See 2003 PA Legis. Serv. 26 (West).

This is a general summary. It is only meant to provide information to personal representatives regarding relevant state law in order to guide them in devising plans for distributions that are consistent with state law. It does not include distributions when none of the relatives set forth in these charts is alive. Calculation of the total award is determined by the Fund's regulations. This is not a substitute for state law, and to the extent state law varies with this chart, state law controls. For more information, an attorney familiar with state statutes and case law should be consulted.